REMARKS

This document is responsive to the Office Action mailed August 10, 2007.

In the Office Action, claims 13-16 were again rejected under 35 U.S.C. §101 as being allegedly drawn to non-statutory subject matter. Reconsideration and withdrawal of these rejections is hereby respectfully requested, for the reasons indicated below.

Independent claim 13 does not define a data structure, but clearly defined components of a computer-implemented system for evaluating contacts stored in data source. As such, the Office's reliance upon MPEP §2106.01 remains misplaced and in error. Indeed, rather than a data structure *per se* that is not capable of causing functional change in a computer (which would rightly invoke MPEP §2106.01), claim 13 recites components of a computer-implemented system. Such a computer-implemented system is defined to include:

    a)   **a user interface component configured to allow one or more users to define a data format; define a plurality of rules that operate on, and are intended to assess a quality of, data formatted according to the data format; and map data identifying a plurality of contacts from the data source to the data format, and**

    b)   **a rules engine component configured to execute the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data and to provide at least a portion of the analyzed data set to the one or more users.**

Such components clearly define "structural and functional interrelationships" which permit the computer-implemented system's function (to evaluate contacts stored in data source and to provide at least a portion of the analyzed data set to the one or more users) to be realized, to paraphrase the text of MPEP 2106.01. For similar reasons, claim 13 does not define a computer program, as the recited components define structural and functional interrelationships that allow the computer-implemented system's functions to be realized. Lastly, claims 13-16 do not define descriptive material *per se*, but include recitations of the structure, function and

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interrelationships of the constituent components of the computer-implemented system. Moreover, claim 13, was previously amended to include a positive recitation of a step of providing all or a portion of the analyzed data set to the user(s), which is a real-world concrete manifestation of the functionality of the recited components of the computer-implemented system. It is respectfully submitted that the claim on its face complies with both the language of the statute and with the Office's own guidelines for examination of patent applications under §101, as memorialized in the MPEP. Reconsideration and withdrawal of the 35 U.S.C. §101 rejections is, therefore, hereby respectfully requested.

Claims 1-3, 5, 9, 12 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Taylor. Reconsideration and withdrawal of these rejections is hereby respectfully requested.

I.   Independent claims 1 and 9

Independent claim 1 requires:

> **A method of evaluating contacts stored in a data source, the method comprising:**
> **allowing a user to define a data format;**
> **allowing a user to define a plurality of rules that operate on data formatted according to the data format, wherein the rules are intended to assess a quality of data;**
> **executing the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data.**

Note that the claimed method is a method of evaluating contacts in a data source, as noted in the preamble. Note that the last step of the claimed method calls for executing the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data. Therefore, the claimed method is a method for evaluating contacts, and the claimed method calls for producing a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data.

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Before a clause-by-clause analysis of the claims relative to a paragraph-by-paragraph analysis of the applied reference, it is important to note that the Taylor reference does not even include the word or phrases "contact" or "potential contact", or any method of evaluating either. As such, the Taylor reference cannot, on its face, anticipate the claims.

Paragraph [0017] on page 4 of the present specification explains what is meant by "contacts" and "contact information":

> **The logical components, which for illustrative purposes are shown as user interface 20 and rules engine 22 are executed by users 12 to sort, filter, rank and/or otherwise analyze sales contact information in data source 14. Such information is sometimes referred to herein as sales leads, sales prospects or customer information. It is to be understood, however, that system 10 is not limited to any particular type of contact information in data source 14 and that system 10 can be used to assess the quality of other types of contact information including, for example, vendor contacts and partner contacts among others.**

In contrast, Taylor is concerned with large data sets associated with the processing of microarrays of biological samples. No contacts or contact information could ever be derived from processing microarrays in the manner suggested by Taylor or any other manner.

In the outstanding Office Action, the Office asserts that Taylor allows a user to define a data format, and points to Taylor, at paragraph [0040] for such a teaching. Taylor's paragraph [0040] does not teach allowing a user to define a data format. Instead, Taylor's paragraph [0040] teaches ordering the virtual wells or spots (of biological samples) based upon their attributes. Taylor teaches ordering (e.g., from left to right – see [0040], line 8) based upon a numerical or alphanumeric descriptor in an attribute field. There is no teaching (or indeed suggestion) of allowing the user to define a data format, contrary to that asserted by the Office. Here, Taylor teaches enabling the researcher to order virtual wells or spots according to attribute fields thereof, and teaches that the researcher may define rules based upon these attributes, to order the virtual spots or wells as desired. There is, however, no teaching or suggestion of user-defined formats, nor

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can a reasonable and broad interpretation of Taylor be stretched to fit this claim requirement of allowing a user to define a data format.

Taylor does not allow a user to define a data format, as established immediately above. It follows, therefore, that Taylor <u>cannot</u> teach any step of mapping data identifying a plurality of contacts from the data source to the data format, as claimed. Again, the Office asserts that Taylor's paragraph [0040] teaches such limitation. However, that is not (and cannot be) the case, as Taylor does not teach: a) any contacts; b) any user-defined data format; and cannot, therefore c) map data identifying a plurality of contacts from the data source to the data format, as claimed herein. The rules noted in the Office Action are rules for ordering virtual spots based upon the attributes thereof, which does not teach the claimed embodiment (as required by §102(b)) or provide the skilled artisan with any guidance whatsoever to achieve the claimed invention. It is respectfully submitted that carrying out mathematical or statistical analyses on the attributes of virtual wells or spots of biological specimen does not teach or suggest the claimed invention of evaluating contacts in a data source, which is the subject matter of the claimed embodiment.

Similar arguments may be advanced relative to claim 9 and its dependent claims. Rather than repeat them here, they are incorporated herein by reference, as if repeated in full.

II.   <u>Independent claim 13</u>

The arguments above relative to data format and the user-defined rules are also applicable here, as claim 13 recites that the user interface component is configured to allow one or more users to define a data format; define a plurality of rules that operate on, and are intended to assess a quality of, data formatted according to the data format; and map data identifying a plurality of contacts from the data source to the data format.

It is respectfully submitted that the Office's arguments have failed to establish a prima

facie case of anticipation. Indeed, the Office's own standards for anticipation under Section 102

of the patent statute, as set forth in the MPEP, are set forth below:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM
A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, **814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."** *Richardson v. Suzuki Motor Co.*, **868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an** *ipsissimis verbis* **test, i.e., identity of terminology is not required.** *In re Bond*, **910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. § 102 rejection. See MPEP § 2131.01.**

Anticipation, therefore, can only be established only if each and every element recited in

the claims is found in the applied reference. Here, Taylor fails to teach

a user interface component configured to allow one or more users to define a data format; define a plurality of rules that operate on, and are intended to assess a quality of, data formatted according to the data format; and map data identifying a plurality of contacts from the data source to the data format; and

This is because Taylor does not teach allowing users to define data formats, nor any data

formatted according to a user-defined format, as discussed above. Specifically, Taylor does not

teach any user interface for enabling the same. Taylor also does not teach any user interface or

any other means for mapping data identifying a plurality of contacts (no contacts are taught in

Taylor) from the data source to the data format (no user-defined data formats are taught by
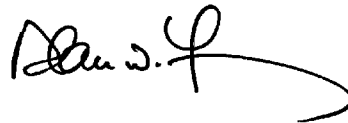
Taylor), as claimed.

Taylor also does not teach

a rules engine component configured to execute the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data, the rules engine being further configured to provide at least a portion of the analyzed data set to the one or more users.

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as no set of analyzed data is produced by Taylor that would allow an evaluation of potential contacts according to an assessed quality of the data, even allowing for an overly brad reading of Taylor. Taylor is concerned with analyzing attribute data of virtual wells or spots of biological specimen, and no reasonable interpretation thereof can stretch this reference to encompass the *metes and bounds* of the claim. Reconsideration and withdrawal of the 35 U.S.C. §102(b) rejections is, therefore, hereby respectfully requested.

As the rejections to the independent claims are considered to have been overcome, the 35 U.S.C. §103(a) rejections applied to the dependent claims are not discussed herein at this time.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,

Date:＿＿＿December 10, 2007＿＿＿ By:＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿

Alan W. Young
Attorney for Applicants
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Rd., Ste. 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

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